

CPS-35

November 3, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-4841**

IN RE: HERMAN WILKES,

CA 00-2420

Petitioner

Present: BARRY, SMITH AND NYGAARD, CIRCUIT JUDGES

Submitted is petitioner's application pursuant to 28 U.S.C. §§ 2244 to file a second or successive petition under 28 U.S.C. § 2254

in the above-captioned case.

Respectfully,

Clerk

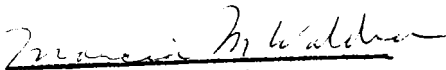
MMW/SR

ORDER

The foregoing application is denied because the claim the applicant seeks to present does not meet the criteria set forth in 28 U.S.C. § 2244(b)(2).

A True Copy:

By the Court,


Marcia M. Waldron,
Clerk

/s/ Maryanne Trump Barry
Circuit Judge

Dated: November 9, 2005
par/cc: Mr. H.W.

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

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Pittsburgh Clerk of District Court
(District)
Duke Herman Welkes
(Caption)
Herman Welkes
(Appellants)

Date 11-9-05

C. of A. No. 05-4841

(D.C. No.)

Enclosures:

11-9-05 Certified copy of C. of A. Order by the Court
(Date)

_____ Released (Record) (Supplemental Record - First - Second - Third)

_____ Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not released at this time until appeal(s) closed at No.(s) _____

_____ Please forward Certified List in Lieu of Record to this office.

_____ The certified copy of order issued as the mandate on _____
is recalled.

Phyllis Ruffin 4918
Deputy Clerk Telephone Number

Receipt Acknowledge:

(Name)

(Date)

Rev. 3/13/00
Appeals (Certified List in Lieu of Record)